

2-27-3 16PH

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants: Schreiber
Serial No.: 09/902,176
Filed: July 10, 2001
Title: Diagnostic Use Of Polymorphisms In The Gene Coding For The TNF Receptor II And Method For Detecting Non-Responders To Anti-TNF Therapy
Art Group: 1634
Examiner: Sakelaris, Sally A

Hon. Commissioner of Patents
Box Amendment
Washington, D. C. 20231

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Signature

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Printed Name

Feb. 24, 2003
Date

RESTRICTION/ ELECTION REQUIREMENT

In the Office Action mailed January 22, 2003, the Examiner has required restriction of the prosecution of the present application to one of four specified groups of claims. Applicant provisionally elects to prosecute the claims in GROUP II, being Claims 10-15 in the present application, with traverse to prosecution Groups I, II and/or IV should a generic claim be deemed allowable.

With respects to elected Group II, Applicant believes that all Claims 10-15 of Group II should be subject to a single examination for the following reasons:

- 1) exon 2 (polymorphism at position 168; claim 10) and exon 6 (polymorphism at position 587; claim 14) are on the same gene coding for the TNF receptor II;
- 2) both SNPs are in strong linkage disequilibrium, and the SNP in exon 2 can be used as a marker for the SNP in

exon 6 (description page 8, lines 20 to 24; page 20, lines 4 to 11);

3) An analysis of pair-wise linkage disequilibrium (LD) between the SNPs in the TNF receptor-II showed strong LD between the TNF- receptor-II exon 2 and the TNF-receptor-II exon 6 polymorphisms ($c=222$, $p<0.001$), but no LD between the TNF-receptor-II exon 6 polymorphism and polymorphisms in the 3' untranslated region ($c2<1$, $p>0.50$); and

4) The peptides encoded by the nucleotide sequences having the respective SNPs have the same biological activity insofar as they render responsiveness to anti-TNF therapy less likely.

Applicant determines that no additional fee is due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account Number 23-2426 of WINSTEAD SECHREST & MINICK P.C.

If the Examiner has any questions or comments concerning this paper or the present application in general, the Examiner is invited to call the undersigned at (214) 745-5374.

Respectfully submitted,
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